

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JENNIFER SWAIN,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:22-cv-614-ECM-SMD
)	
TRANSUNION, <i>et al.</i> ,)	
)	
Defendants.)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

Currently before the Court is pro se Plaintiff Jennifer Swain's ("Swain") Complaint (Doc. 1) that alleges violations of the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.*¹ Along with her Complaint, Swain filed a Motion for Leave to Proceed in Forma Pauperis (Doc. 2), which the undersigned denied, *see* Order (Doc. 5). The undersigned afforded Swain until November 18, 2022, to pay the filing fee and advised her that failure to pay the filing fee by that date would result in the undersigned recommending that her case be dismissed for failure to abide by Court orders and to prosecute this action. Order (Doc. 5) p. 1.

Swain did not pay the filing fee by that date. On December 2, 2022, the undersigned entered a second order directing Swain to show cause, if any there be, why her Complaint should not be dismissed for failure to pay the filing fee and failure to abide by Court orders.

¹ The Fair Credit Reporting Act is a federal statute, giving this Court federal question jurisdiction over the Complaint.

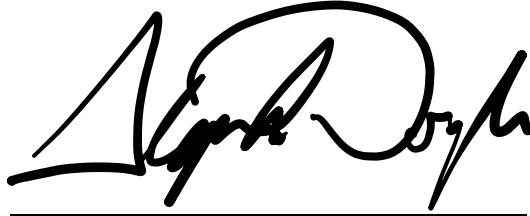
Order (Doc. 6). The undersigned again advised Swain that failure to comply with the Court's order would result in the undersigned recommending that her case be dismissed.

The time for Swain to comply with the undersigned's most recent order has passed and she has neither complied with the order nor paid the Court's filing fee. As such, it is the

RECOMMENDATION of the undersigned Magistrate Judge that Swain's Complaint (Doc. 1) be DISMISSED without prejudice for failure to prosecute and abide by orders of the court. It is further

ORDERED that Plaintiff is DIRECTED to file any objections to the said Recommendation **on or before January 23, 2023**. Plaintiff must specifically identify the factual findings and legal conclusions in the Recommendation to which objection is made; frivolous, conclusive, or general objections will not be considered. Failure to file written objections to the Magistrate Judge's findings and recommendations in accordance with the provisions of 28 U.S.C. § 636(b)(1) shall bar Plaintiff from a *de novo* determination by the District Court of legal and factual issues covered in the Recommendation and waives the right of Plaintiff to challenge on appeal the district court's order based on unobjected-to factual and legal conclusions accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982); 11th Cir. R. 3-1; *see Stein v. Lanning Secs., Inc.*, 667 F.2d 33 (11th Cir. 1982); *see also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981) (*en banc*). Plaintiff is advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

DONE this 9th day of January, 2023.

A handwritten signature in black ink, appearing to read "Stephen M. Doyle", written over a horizontal line.

Stephen M. Doyle
CHIEF U.S. MAGISTRATE JUDGE